

PUBLIC MATTER

FILED

AUG 14 2017

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STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case Nos. 16-O-11201 (16-O-12278;
)	16-O-13637)-LMA
JAMIE EDWARDS QUADRA,)	
)	DECISION AND ORDER OF
A Member of the State Bar, No. 228956.)	INVOLUNTARY INACTIVE
_____)	ENROLLMENT

In this matter, respondent Jamie Edwards Quadra (Respondent) was charged with seventeen counts of misconduct involving three client matters. Respondent failed to participate either in person or through counsel, and her default was entered. The Office of Chief Trial Counsel of the State Bar of California (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC), and the attorney fails to have the default set aside or vacated within 90 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.²



¹ Unless otherwise indicated, all references to rules are to this source.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in this state on December 5, 2003, and has been a member since then.

Procedural Requirements Have Been Satisfied

On February 16, 2017, the State Bar properly filed and served an NDC on Respondent by certified mail, return receipt requested, at her membership records address. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)³

In addition, Respondent had actual notice of this proceeding. On March 15, 2017, a senior trial counsel for the State Bar sent an email to Respondent indicating that the State Bar had filed disciplinary charges against her on February 16, 2017, and that the State Bar would be seeking the entry of her default. Respondent responded to the email indicating that she intended to file a response.

Respondent, however, failed to file a response to the NDC. On March 15, 2017, the State Bar filed and properly served a motion for entry of Respondent's default. The motion included a supporting declaration of reasonable diligence by the deputy trial counsel declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that if she did not timely move to set aside her default, the court would recommend her disbarment. Respondent did not file a response to the motion, and her default was entered on April 3, 2017. The order entering default was served on Respondent at her membership records

³ The State Bar failed to address whether a signed return receipt for the NDC was received from Respondent. (Rule 5.80(B)(1).)

address by certified mail, return receipt requested.⁴ The court also ordered Respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and she has remained inactively enrolled since that time.

Respondent also did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On July 10, 2017, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) it has had no contact with Respondent since the default was entered; (2) Respondent has other disciplinary matters pending; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from Respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on August 7, 2017.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of Respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that Respondent is culpable as charged, except as otherwise noted, and, therefore, violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 16-O-13637 – The Chin Matter

Count One – Respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failure to communicate significant developments) by failing to inform her clients that Respondent dismissed them as plaintiffs and that their prior attorney—Respondent's former law partner—had been disbarred.

⁴ The court received a return receipt for the order entering default. The return receipt contains what appears to be Respondent's signature.

Count Two – the court does not find Respondent culpable of willfully violating Rules of Professional Conduct, rule 3-110(A) (failure to perform) as there is not clear and convincing evidence that Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence.⁵

Count Three – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to refund unearned advanced fees.

Count Four – Respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct (failing to release file) by failing to promptly turn over her clients' papers and property upon her clients' request following termination of employment.

Count Five – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Six – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a disciplinary investigation) by failing to provide a substantive response to the allegations in a disciplinary investigation after being contacted by the State Bar.

Case No. 16-O-11201 – The Noble Matter

Count Seven – the court does not find Respondent culpable of willfully violating Rules of Professional Conduct, rule 3-110(A) (failure to perform) as there is no clear and convincing evidence that Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence. (See the footnote in Count Two.)

⁵ The allegations in Count Two seem to suggest a violation of rule 3-200 of the Rules of Professional Conduct; section 6068, subd. (c) of the Business and Professions Code; or possibly Business and Professions Code section 6106.

Count Eight – Respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failure to communicate significant developments) by failing to inform her client that: (1) Respondent based the client’s loan modification lawsuit on the client’s out-of-state property rather than on the client’s California property; and (2) Respondent allowed the case to be dismissed with prejudice.

Count Nine – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to refund unearned advanced fees.

Count Ten – Respondent willfully violated Business and Professions Code section 6106 (moral turpitude – misappropriation) by misappropriating client funds in the amount of \$2,000.

Count Eleven – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (failing to deposit client funds in trust) by failing to deposit funds received for the benefit of a client into a trust account.

Count Twelve – Respondent willfully violated Business and Professions Code section 6104 (appearing without authority) by appearing for a client and pursuing a claim on that client’s behalf without the client’s authorization.

Count Thirteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a disciplinary investigation) by failing to provide a substantive response to the allegations in a disciplinary investigation after being contacted by the State Bar.

Count Fourteen – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Fifteen – Respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct (failing to release file) by failing to promptly turn over her client’s papers and property upon her client’s request following termination of employment.

Case No. 16-O-12278 – The Fraga Matter

Count Sixteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failure to communicate significant developments) by failing to inform her client that he had been offered a loan modification.

Count Seventeen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a disciplinary investigation) by failing to provide a substantive response to the allegations in a disciplinary investigation after being contacted by the State Bar.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent’s disbarment is recommended. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) Respondent had actual notice of the proceedings prior to the entry of her default;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC deemed admitted by the entry of the default

support a finding that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline.

Despite actual notice and opportunity, Respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATIONS

Disbarment

The court recommends that respondent Jamie Edwards Quadra be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

Restitution

The court also recommends that Respondent be ordered to make restitution to the following payees:

- (1) Ronald and Maria Chin in the amount of \$7,540 plus 10 percent interest per year from January 23, 2016;
- (2) Michael Noble in the amount of \$18,750 plus 10 percent interest per year from January 19, 2016; and
- (3) Michael Noble in the amount of \$2,000 plus 10 percent interest per year from December 1, 2015.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

California Rules of Court, Rule 9.20

The court also recommends that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Jamie Edwards Quadra, State Bar number 228956, be involuntarily enrolled as

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an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: August 14, 2017



LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on August 14, 2017, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

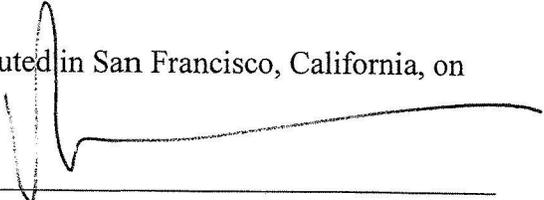
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JAMIE E. QUADRA
174 KENMASS AVE
AUBURN, CA 95603 - 4719

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Esther J. Rogers, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 14, 2017.



Vincent Au
Case Administrator
State Bar Court